

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES BACON

Plaintiff,

v.

ALLIE THURMAN *et al.*,

Defendants

Case No. C06-5185RBL

ORDER DENYING AN EXTENSION
OF TIME TO CONDUCT
DISCOVERY

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Before the court is plaintiff's motion asking for an extension of time to conduct discovery (Dkt. # 30). Defendants oppose the motion (Dkt. # 31). A scheduling order was issued July 31, 2006. That order set the discovery deadline in this action for January 1, 2007 (Dkt. # 25).

Plaintiff alleges he currently does not have access to legal materials (Dkt. # 30). Defendants provide much greater detail. Plaintiff is now housed at the Washington State Penitentiary and has been in segregation since August of 2006, as a result of poor behavior (Dkt. # 31, page 2). Defendants allege plaintiff has access to his legal material and paper and pencil while in segregation (Dkt. # 31, page 2). The filing of this motion shows he has access to pencil and paper.

ORDER

1 Plaintiff has not conducted any discovery in this action. Nor was he presented good reason
2 for his failure to do so. Plaintiff fails to tell the court what discovery he wishes to engage in and why
3 he did not engage in that discovery during the six-month discovery time frame. The motion for an
4 extension of time is **DENIED**.

5 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.
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8 DATED this 31 day of January 2007.
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10 /S/ J. Kelley Arnold

11 J. Kelley Arnold

12 United States Magistrate Judge
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28 ORDER